

Joint Standing Committee on Criminal Justice

LD 65

**An Act to Amend the Laws Regarding Reimbursement to the
Counties for Community Corrections**

**PUBLIC 753
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCALEVEY LAFOUNTAIN	OTP-AM	H-1022 POVICH H-919 S-713 MICHAUD

LD 65 proposed to prohibit the Department of Corrections from subtracting jail revenues raised by counties from a jail's expenditures. Currently, pursuant to the Department of Corrections Uniform Accounting Report Forms, jail revenues are subtracted from the jail's total expenditures for the purpose of reducing the Department of Corrections reimbursement rate to the counties for housing state prisoners.

Committee Amendment "A" (H-919) replaced the bill and proposed to do the following:

1. Add a mandate preamble, an emergency preamble and an emergency clause;
2. Establish the County Jail Prisoner Support and Community Corrections Fund for the purpose of providing state funding for a portion of the counties' costs of the support of prisoners and for establishing and maintaining community corrections;
3. Add an appropriation section that transfers 85% percent of the funds appropriated to the Department of Corrections in fiscal year 1998-99 for Community Based Corrections into the County Jail Prisoner Support and Community Corrections Fund. Beginning July 1, 1999 and annually thereafter, the amount transferred would have been equal to the appropriation of the previous year adjusted by a factor equal to the percent change in the United States Bureau of Labor Statistics Consumer Price Index. It further proposed to direct that 15% of the funds appropriated to the Department of Corrections in fiscal year 1998-99 for Community Based Corrections be transferred to the Department of Corrections General Fund, Correctional Services Account for the purpose of maintaining or developing juvenile community corrections. Beginning July 1, 1999 and annually thereafter, the Department of Corrections would have budgeted an amount equal to the appropriation of the previous year adjusted by a factor equal to the percent change in the United States Bureau of Labor Statistics Consumer Price Index;
4. Direct the Department of Corrections, beginning July 1, 1998 and annually thereafter, to distribute the County Jail Prisoner Support and Community Corrections Fund to counties based on the percent distribution of actual funds reimbursed to counties pursuant to former Maine Revised Statutes, Title 34-A, section 1210 in fiscal year 1996-97;
5. Permit counties that experience a 10% increase in their total annual jail operating budget or who issue bonds for new jail construction or jail renovation to request additional funds for the support of prisoners;
6. Require each county treasurer to place 20% of its distribution from the County Jail Prisoner Support and Community Corrections Fund into a separate community corrections program account. Counties would have been able to use these funds only for adult or juvenile community corrections;

7. Require the joint standing committee of the Legislature having jurisdiction over corrections and criminal justice matters to review the County Jail Prisoner Support and Community Corrections Fund and its purpose and functions no later than July 1, 2001;

8. Require the counties to submit an annual report to the joint standing committee of the Legislature having jurisdiction over corrections and criminal justice matters. Reports would have included descriptions of each county's community corrections programs and an accounting of expenditures for community corrections;

9. Direct the Department of Corrections to make a one-time distribution to each county of that county's unexpended and uncommitted adult community corrections funds remaining in the General Fund, Community-Based Corrections Account pursuant to former Maine Revised Statutes, Title 34-A, section 1210, subsection 6 at the end of fiscal year 1997-98. Funds released under this one-time distribution would have been placed in a community corrections program account and would have been used only for adult or juvenile community corrections;

10. Require that on July 1, 1998, any unexpended or uncommitted juvenile community corrections funds remaining in the General Fund, Community-Based Corrections Account pursuant to former Maine Revised Statutes, Title 34-A, section 1210, subsection 6 at the end of fiscal year 1997-98 must be transferred to the department's General Fund, Correctional Services Account. The department would have used these funds for the purpose of maintaining or developing juvenile community corrections;

11. Permit the Department of Corrections to contract with counties in order to maintain current or develop new juvenile community corrections;

12. Add an effective date of July 1, 1998; and

13. Add a fiscal note.

House Amendment "A" to Committee Amendment "A" (H-1022) proposed to change the date by which counties are required to submit reports regarding each county's community corrections programs.

Senate Amendment "A" to Committee Amendment "A" (S-713) proposed to replace the appropriation section to reflect the actual amount available for transfer out of the Community Based Corrections program.

Enacted law summary

Public Law 1997, chapter 753 establishes the County Jail Prisoner Support and Community Corrections Fund for the purpose of providing state funding for a portion of the counties' costs of the support of prisoners and for establishing and maintaining community corrections.

Public Law 1997, chapter 753 adds an appropriation section that transfers 85% percent of the funds appropriated to the Department of Corrections in fiscal year 1998-99 for Community Based Corrections into the County Jail Prisoner Support and Community Corrections Fund. Beginning July 1, 1999 and annually thereafter, the amount transferred must equal the appropriation of the previous year adjusted by a factor equal to the percent change in the United States Bureau of Labor Statistics Consumer Price Index. It further directs that 15% of the funds appropriated to the Department of Corrections in fiscal year 1998-99 for Community Based Corrections be transferred to the Department of Corrections General Fund, Correctional Services Account for the purpose of maintaining or developing juvenile community corrections. Beginning July 1, 1999 and annually thereafter, the

Department of Corrections shall budget an amount equal to the appropriation of the previous year adjusted by a factor equal to the percent change in the United States Bureau of Labor Statistics Consumer Price Index.

Public Law 1997, chapter 753 directs the Department of Corrections, beginning July 1, 1998 and annually thereafter, to distribute the County Jail Prisoner Support and Community Corrections Fund to counties based on the percent distribution of actual funds reimbursed to counties pursuant to former Maine Revised Statutes, Title 34-A, section 1210 in fiscal year 1996-97.

Public Law 1997, chapter 753 permits counties that experience a 10% increase in their total annual jail operating budget or who issue bonds for new jail construction or jail renovation to request additional funds for the support of prisoners.

Public Law 1997, chapter 753 requires each county treasurer to place 20% of its distribution from the County Jail Prisoner Support and Community Corrections Fund into a separate community corrections program account. Counties may use these funds only for adult or juvenile community corrections.

Public Law 1997, chapter 753 requires the joint standing committee of the Legislature having jurisdiction over corrections and criminal justice matters to review the County Jail Prisoner Support and Community Corrections Fund and its purpose and functions no later than July 1, 2001.

Public Law 1997, chapter 753 requires the counties to submit an annual report to the joint standing committee of the Legislature having jurisdiction over corrections and criminal justice matters. Reports must include descriptions of each county's community corrections programs and an accounting of expenditures for community corrections.

Public Law 1997, chapter 753 directs the Department of Corrections to make a one-time distribution to each county of that county's unexpended and uncommitted adult community corrections funds remaining in the General Fund, Community-Based Corrections Account pursuant to former Maine Revised Statutes, Title 34-A, section 1210, subsection 6 at the end of the fiscal year 1997-98. Funds released under this one-time distribution must be placed in a community corrections program account and may be used only for adult or juvenile community corrections.

Public Law 1997, chapter 753 requires that on July 1, 1998, any unexpended or uncommitted juvenile community corrections funds remaining in the General Fund, Community-Based Corrections Account pursuant to former Maine Revised Statutes, Title 34-A, section 1210, subsection 6 at the end of the fiscal year 1997-98 must be transferred to the department's General Fund, Correctional Services Account. The department shall use these funds for the purpose of maintaining or developing juvenile community corrections.

Public Law 1997, chapter 753 permits the Department of Corrections to contract with counties in order to maintain current or develop new juvenile community corrections.

LD 515

An Act to Set a Fixed Rate for Housing of State Prisoners

ONTP

Sponsor(s)
BUNKER

Committee Report
ONTP

Amendments Adopted

LD 515 proposed to fix the rate of reimbursement to counties for prisoners at \$83.75 per prisoner per day. The bill also proposed that a county petition the Legislature for any desired change in that rate.

LD 753

**An Act to Require Law Enforcement Agencies to Collect Data
Regarding Public Intoxication**

**PUBLIC 756
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LEMKE	OTP-AM	H-798 S-774 MICHAUD

LD 753 proposed to permit law enforcement officers to take intoxicated persons into protective custody by placing them in a municipal or county jail or lock-up. The bill proposed that protective custody is not an arrest, the person may not be charged with a crime and the custody may not extend beyond 12 hours. The bill also proposed to exempt law enforcement officers from criminal and civil liability for imposing protective custody, unless the officer acts willfully and maliciously.

Committee Amendment "A" (H-798) renamed and replaced the bill. Committee Amendment "A" proposed to do the following:

1. Define the terms "intoxicated" and "public intoxication";
2. Beginning April 30, 1998 and monthly thereafter, require law enforcement agencies to report incidents of public intoxication to the Department of Public Safety. These records would not include individuals' names. Beginning June 30, 1998 and quarterly thereafter, the Department of Public Safety would have to forward the records to the Department of Mental Health, Mental Retardation and Substance Abuse Services, Office of Substance Abuse. The records would have included the number of reported cases of public intoxication; the number of persons who are reported more than one time for public intoxication; the number of persons transported to a state-licensed treatment facility or shelter as a result of reported incidents of public intoxication; the number of persons transported to their residence or left with a family member or friend as a result of these reported incidents of public intoxication; and the number of intoxicated persons left at the scene of the reported incident or at another public place;
3. Specify that a law enforcement officer is not liable in a civil action for failing to provide assistance to a person intoxicated in a public place if that person refuses the law enforcement officer's assistance;
4. Create a study group to review the reports regarding public intoxication submitted to the Office of Substance Abuse by law enforcement agencies. The study group would have made recommendations to develop a comprehensive and effective network of services for persons who were found publicly intoxicated and who were chemically dependent and would pose a serious threat of harm to themselves or to others. The study group would have considered the implications of reinstating involuntary commitment for persons suffering from chronic and life-threatening substance abuse. The study group would have reported its recommendations and any implementing legislation to the joint standing committee of the Legislature having jurisdiction over criminal justice matters by January 1, 1999; and
5. Add a fiscal note to the bill.

Senate Amendment "A" to Committee Amendment "A" (S-477) was presented on behalf of the Committee on Engrossed Bills and proposed to correct figures in the appropriation in the committee amendment. (Not adopted)

Senate Amendment "B" to Committee Amendment "A" (S-503) proposed to remove the provision that specifies that a law enforcement officer is not liable in a civil action for failing to provide assistance to a person intoxicated

in a public place if that person refuses the law enforcement officer's assistance. Senate Amendment "B" to Committee Amendment "A" also proposed to incorporate the changes made in Senate Amendment "A" to Committee Amendment "A" that correct figures in the appropriation section of the committee amendment. (Not adopted)

Senate Amendment "C" to Committee Amendment "A" (S-774) proposed to remove the provision that specifies that a law enforcement officer is not liable in a civil action for failing to provide assistance to a person intoxicated in a public place if that person refuses the law enforcement officer's assistance. Senate Amendment "C" also proposed to remove the Department of Mental Health, Mental Retardation and Substance Abuse Services study group provisions and eliminate the General Fund appropriations to the Legislature. This amendment incorporated changes in Senate Amendment "A" to Committee Amendment "A" (S-477) and Senate Amendment "B" to Committee Amendment "A" (S-503).

Enacted law summary

Public Law 1997, chapter 756, beginning April 30, 1998 and monthly thereafter, requires law enforcement agencies to report incidents of public intoxication to the Department of Public Safety. These records may not include individuals' names. Beginning June 30, 1998 and quarterly thereafter, the Department of Public Safety will forward the records to the Department of Mental Health, Mental Retardation and Substance Abuse Services, Office of Substance Abuse. The records must include the number of reported cases of public intoxication; the number of persons who are reported more than one time for public intoxication; the number of persons transported to a state-licensed treatment facility or shelter as a result of reported incidents of public intoxication; the number of persons transported to their residence or left with a family member or friend as a result of these reported incidents of public intoxication; and the number of intoxicated persons left at the scene of the reported incident or at another public place.

LD 804	Resolve, to Create the Juvenile Crime Task Force to Develop a Continuum of Services for Juveniles	ONTP
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<u>Sponsor(s)</u> TREAT	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 804 proposed to create the Juvenile Crime Task Force to evaluate the current state of community-based juvenile corrections services and to recommend steps for implementing an improved system focusing on community-based interventions.

LD 862	Resolve, to Establish a Commission to Examine the Laws Pertaining to Juvenile Offenders	ONTP
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<u>Sponsor(s)</u> PLOWMAN	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 862 proposed to establish the Commission to Examine the Laws Pertaining to Juvenile Offenders to make recommendations for habitual juvenile offenders and for juvenile offenders whose acts the citizens of the State find unconscionable.

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BUNKER	OTP-AM	H-970

LD 915 proposed to make the following changes to the laws governing criminal procedure as it relates to juveniles:

1. Establish, as a purpose of the Maine Juvenile Code, the provision of consequences, including those of a punitive nature, for repeated criminal behavior;
2. Change the definition of juvenile to one who has not yet attained 17 years of age;
3. Eliminate the need for a bind-over hearing unless the defendant requests one;
4. Amend the definition of "juvenile crime";
5. Require immediate notification of the juvenile caseworker if the law enforcement officer believes immediate secure detention is required;
6. Remove limitations for a law enforcement officer questioning an arrested juvenile;
7. Require a juvenile caseworker to issue a summons to the juvenile to appear in court at the time the caseworker requests that a petition be filed;
8. Authorize the prosecuting attorney to file a petition at any time more than 30 days after the juvenile caseworker has been given notice;
9. Amend the provisions governing issuance, contents and service of summonses;
10. Provide that the general public may not be excluded from any proceeding in which a juvenile is charged who at the time of the commission of the juvenile crime was 16 years of age or older;
11. Allow dissemination of information contained in juvenile records by one criminal justice agency to another if the person concerned was at least 16 years of age at the time the crime was committed; and
12. Increase from 30 to 90 days the length of time the court may commit a juvenile to the Maine Youth Center.

Committee Amendment "A" (H-970) replaced the bill and proposed to do the following:

1. Clarify that the purpose of the Juvenile Code includes consequences that may be of a punitive nature;
2. Amend the juvenile bind-over statute to include public safety and the age of the juvenile as factors the court must consider in determining whether to bind a juvenile over to the adult court system;

3. Amend the juvenile bind-over statute to shift from the State to the juvenile the burden of proof regarding the appropriateness of placement in the juvenile system when the juvenile is charged with a violent offense against a person;
4. Authorize the attorney for the State to order detention of a juvenile. Before making the detention determination, the attorney for the State would have considered the facts of the case, consulted with the juvenile caseworker who made the initial determination regarding detention and considered standards for detention that were used by juvenile caseworkers;
5. Clarify that law enforcement agencies may share juvenile criminal records with other law enforcement agencies for purposes of the administration of criminal justice and juvenile justice;
6. Reduce the delays in the juvenile justice system by eliminating the intermediate appeals process for juveniles bound over to criminal court; and
7. Add a fiscal note.

Enacted law summary

Public Law 1997, chapter 645 specifies that the purpose of the Maine Juvenile Code may include punitive consequences. Public Law 1997, chapter 645 amends the juvenile bind-over statute by shifting the burden of proof from the State to the juvenile regarding appropriateness of placement in the juvenile system when the juvenile is charged with a violent offense against a person and by directing the court to consider public safety and the age of the juvenile as factors when determining whether to bind the juvenile over to the criminal system. Public Law 1997, chapter 645 permits the attorney for the State, after considering the facts of the case and the standards for detention and consulting with the juvenile caseworker, to order detention of a juvenile. Public Law 1997, chapter 645 also permits law enforcement agencies to share juvenile criminal records with other law enforcement agencies. Public Law 1997, chapter 645 reduces the delays in the juvenile justice system by eliminating the intermediate appeals process for juveniles bound over to criminal court.

LD 1592 An Act to Require Post-release Supervision of Prisoners Who Are Identified as High-risk Offenders ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BUNKER	ONTP	

LD 1592 proposed to allow the courts to sentence to a period of post-release supervision a person who commits a violent or sexual offense for which the person is sentenced to an unsuspended term of imprisonment of at least one year if the court determines that the person is at high risk of being a repeat offender. The bill also proposed to set the parameters of the post-release supervision and its termination.

LD 1667 An Act to Permit Involuntary Medication of Mentally Ill Persons Residing in Department of Corrections Facilities ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MITCHELL B JONES SL	ONTP	

LD 1667 proposed to set out the criteria and procedures for involuntary medication of mentally ill persons residing in Department of Corrections facilities. The proposed criteria and procedures conform with the requirements set out by the United States Supreme Court in Washington v. Harper, 494 U.S. 210 (1990).

LD 1719 An Act Concerning Firearm Purchase Background Checks ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HALL	ONTP MAJ OTP-AM MIN	

LD 1719 proposed to make a background check mandatory, pursuant to the federal Brady Handgun Violence Prevention Act, before a permit to carry a concealed weapon may be issued. The bill also proposed to exempt a person from the "Brady" law if that person had a concealed weapon permit issued within the past 5 years and at that time submitted to a background check.

Committee Amendment "A" (S-516) replaced the bill and was the minority report of the Joint Standing Committee on Criminal Justice. The amendment proposed to do the following:

1. Make the Chief of the State Police the sole issuing authority for permits to carry concealed firearms;
2. Clarify the requirements and criteria an applicant must satisfy to obtain a permit to carry concealed firearms;
3. Specify crimes and penalties regarding the misuse of concealed firearms and permits to carry concealed firearms;
4. Extend the time a permit is valid from 4 years to 5 years and set up fee schedules for resident and nonresident permit holders;
5. Make Maine a "Brady Alternative State" by exempting holders of concealed weapons permits from further background checks to purchase firearms; and
6. Add an allocation section and a fiscal note. (Not adopted)

LD 1870**An Act Concerning the Coded Notation on OUI Offenders' Driver's Licenses****PUBLIC 617**

Sponsor(s)
COWGER
KILKELLY

Committee Report
OTP-AM

Amendments Adopted
H-831

LD 1870 proposed to provide that a person who had an OUI conviction prior to June 29, 1995 is subject to the 6-year rather than the 10-year provision that is used to increase penalties for subsequent OUI offenses.

Committee Amendment "A" (H-831) replaced the bill. Current law allows a licensee with one operating-under-the-influence conviction to petition the Secretary of State to remove the coded notation from that licensee's license 6 years after the date of the conviction if the licensee has not been convicted or adjudicated of any other traffic offense within that 6-year period. The amendment proposed to specify that the Secretary of State may not remove the coded notation if the licensee has been convicted or adjudicated of the offense of speeding more than 15 miles per hour over the maximum speed limit or any offense described under the habitual offender law, the Maine Revised Statutes, Title 29-A, section 2551, subsection 1 or had a license suspended or revoked within that 6-year period.

Enacted law summary

Public Law 1997, chapter 617 specifies that the Secretary of State may not remove the coded notation from the license of a person who has been convicted of one operating under the influence offense if the licensee has been convicted or adjudicated of the offense of speeding more than 15 miles per hour over the maximum speed limit or any offense described under the habitual offender law, the Maine Revised Statutes, Title 29-A, section 2551, subsection 1 or had a license suspended or revoked within that 6-year period after the conviction.

LD 1924**An Act to Permit the Consideration of Any Location in the State for the Location of the New Criminal Justice Academy****PUBLIC 577**

Sponsor(s)
KIEFFER

Committee Report
OTP MAJ
ONTP MIN

Amendments Adopted

LD 1924 proposed to remove the requirement that the Maine Criminal Justice Academy be established in the Augusta area.

Enacted law summary

Public Law 1997, chapter 577 removes the geographic requirement that the Maine Criminal Justice Academy be established in the Augusta area, therefore allowing a new academy to be established anywhere in Maine.

LD 1952

An Act to Increase Penalties for Certain Sex Offenders

ONTP

Sponsor(s)
GAGNON

Committee Report
ONTP

Amendments Adopted

LD 1952 proposed to increase the penalties for a person convicted of gross sexual assault against a person who was less than 14 years of age at the time of the crime in the following ways:

1. Specify a mandatory sentence, similar to that now given for persons convicted of murder, of incarceration for at least 25 years and prohibit the sentencing court from suspending any part of the sentence;
2. Specify that the convicted person is ineligible for early release and prohibit deductions of time from the sentence of incarceration are not allowed because of "good time";
3. Specify that the convicted person is ineligible for work release programs and furloughs; and
4. Prohibit plea bargaining if the plea offered by the prosecuting attorney would result in the person charged with gross sexual assault being charged with a lesser offense or serving less than 25 years in prison.

LD 1992

An Act Relating to Forfeited Firearms

ONTP

Sponsor(s)
POVICH

Committee Report
ONTP

Amendments Adopted

LD 1992 proposed to authorize law enforcement agencies to auction firearms they have received under the forfeiture statute, Title 15, chapter 517, to federally licensed firearms' dealers. The bill also proposed to authorize the Attorney General to adopt and amend rules pursuant to the Maine Administrative Procedure Act, as the Attorney General considered necessary, governing the sale, use and disposal of abandoned and forfeited firearms and ammunition by law enforcement agencies.

LD 1993

An Act to Require the Development of a Plan for the Recovery, Identification and Disposition of Human Remains in a Disaster

PUBLIC 580

Sponsor(s)
POVICH

Committee Report
OTP

Amendments Adopted

LD 1993 proposed to direct the Director of the Maine Emergency Management Agency, in consultation with the Office of Chief Medical Examiner, to prepare a plan for the recovery, identification and disposition of human remains in a disaster.

Enacted law summary

Public Law 1997, chapter 580 requires the Director of the Maine Emergency Management Agency, with the Office of the Chief Medical Examiner, to prepare a plan for the recovery, identification and disposition of human remains in a disaster.

LD 2022	An Act to Make Corrections to the Laws Governing the Maine Bail Code	PUBLIC 585 EMERGENCY
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<u>Sponsor(s)</u> MURRAY POVICH	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-459
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LD 2022 proposed to make changes to the laws enacted by Public Law 1997, chapter 543 governing the Maine Bail Code to correctly reflect legislative intent.

Committee Amendment "A" (S-459) proposed to restore the definition of ensuring the integrity of the judicial process to the Maine Bail Code. The definition was inadvertently left out of the bill.

Enacted law summary

Public Law 1997, chapter 585 makes changes to the laws enacted by Public Law 1997, chapter 543 governing the Maine Bail Code to correctly reflect legislative intent.

LD 2027	An Act to Ensure Collection of Essential Data by the Department of Public Safety	PUBLIC 608 EMERGENCY
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<u>Sponsor(s)</u> MURRAY POVICH	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-478
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LD 2027 proposed to expand the list of individuals who are authorized to take blood samples for DNA analysis to include licensed practical nurses and other licensed medical personnel trained to take blood samples.

This bill also proposed to require a law enforcement agency that enters a report of a missing child in the State Police and National Crime Information computer systems to update the report within 60 days with medical and dental information.

Committee Amendment "A" (S-478) replaced the bill. The amendment proposed to do the following:

1. Add a mandate preamble, an emergency preamble and an emergency clause;
2. Specify that the DNA data base must be located at the Maine State Police Crime Laboratory or at State Police headquarters in Augusta;

3. Clarify who is required to submit to having a blood sample drawn for the purpose of DNA analysis;
4. Clarify 2 existing crimes and adds 4 new crimes to the list of offenses for which blood samples must be drawn for DNA analysis;
5. Add to the list of persons who may draw blood samples for DNA analysis licensed practical nurses and others whose occupational training or license allows drawing blood;
6. Retain language from the bill relating to missing child reports, clarifying that medical and dental records must be entered within 60 days; and
7. Add a fiscal note.

Enacted law summary

Public Law 1997, chapter 608 expands the list of who may take blood samples for DNA analysis to include licensed practical nurses and other medical personnel trained to take blood samples. Public Law 1997, chapter 608 specifies that the DNA data base must be located at the Maine State Police Crime Laboratory or at State Police headquarters in Augusta. Public Law 1997, chapter 608 clarifies who must submit to having a blood sample drawn for DNA analysis and requires law enforcement agencies that report missing children to enter medical and dental records within 60 days.

LD 2030 An Act to Promote the Receipt of Federal Funds and to Clarify the PUBLIC 591 Maine Juvenile Code

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MURRAY	OTP-AM	S-458
JONES SL		

LD 2030 proposed to prohibit the use of deductions for good behavior from detention dispositions of 30 days or fewer for juveniles who committed juvenile crimes on or after October 1, 1995. This provision currently applies to juveniles who committed crimes prior to October 1, 1995.

This bill also proposed to make the Maine Revised Statutes, Title 15, section 3316, subsection 1 consistent with the rest of the Maine Juvenile Code, since there is no longer such a disposition as "commitment to the Department of Corrections" in that Code.

Finally, the bill proposed to facilitate the receipt of more federal funds when a juvenile voluntarily lives outside the juvenile's home by agreement with the Department of Corrections. Federal law permits federal funding for the first 12 months of such a placement but stops such funding thereafter unless a court has made the determination provided for in this provision.

COMMITTEE AMENDMENT "A" (S-458) proposed to require that within 180 days from the time a youth is voluntarily placed outside the youth's home the court must make an initial determination that reasonable efforts have been made to prevent or eliminate the need for out-of-home placement. Changing the time of initial review from 12 months to 180 days is consistent with federal law.

The amendment also proposed to add a fiscal note to the bill.

Enacted law summary

Public Law 1997, chapter 591 prohibits the use of deductions for good behavior from any detention dispositions of 30 days or fewer, facilitates the receipt of more federal funds for juveniles who voluntarily live outside their homes and makes technical changes consistent with the Maine Juvenile Code.

LD 2033	An Act to Create the Sex Offender Registration and Notification Act of 1998	ONTP
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<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MURRAY POVICH	ONTP	

LD 2033 proposed to provide for the registration of sex offenders in the State in conformance with the federal Jacob Wetterling Act. The bill proposed to do the following:

1. Expand the scope of the definition of "sex offender" for purposes of registration;
2. Add a new category: "sexually violent predator";
3. Increase the type of identifying information for sex offenders that must be kept by the State Bureau of Identification and direct the bureau to forward registration information to the Federal Bureau of Investigation for inclusion in the national sex offender database;
4. Set guidelines for sex offender responsibilities regarding registration;
5. Establish the Board of Examiners of Sex Offenders, which must include a member of the State Forensic Service; and
6. Create a penalty for failure to comply with sex offender registration requirements.

LD 2072	An Act to Amend the Laws Regarding Sex Offenders	PUBLIC 768
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<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BELANGER D PARADIS	OTP-AM MAJ OTP-AM MIN	H-1056 S-730 MICHAUD

LD 2072 proposed to strengthen the laws governing sex offender registration and notification by requiring law enforcement agencies to notify residents who reside within 1,000 feet of where the sex offender will reside.

Committee Amendment "A" (H-1056) replaced the bill and was the majority report of the Joint Standing Committee on Criminal Justice. The amendment proposed to create a "safe children zone" that is defined as on or within 1,000 feet of the real property comprising a public or private elementary or secondary school or on or within

1,000 feet of the real property comprising a licensed day care center. The amendment proposed to require the court, when determining an appropriate sentence in a gross sexual assault case, to consider as an aggravating sentencing factor the fact that the gross sexual assault was committed in a safe children zone.

Effective September 1, 1998, the amendment proposed to expand the definition of "sex offender" for purposes of the Sex Offender Registration and Notification Act to include all sex offenses in the Maine Revised Statutes, Title 17-A, chapter 11 that are Class A, B or C crimes and the crime of sexual exploitation of a minor.

The amendment also proposed to require the Department of Corrections to forward to the Department of Public Safety, State Bureau of Identification the following additional information regarding a sex offender who is required to register under the Sex Offender Registration and Notification Act: the offender's risk assessment score, a copy of the risk assessment instrument and applicable contact standards for the offender. The State Bureau of Identification would then have forwarded this information to all required law enforcement agencies who would then have distributed the information to members of the public who the agencies determine are necessary to ensure public safety.

The amendment also proposed to add a fiscal note.

Committee Amendment "B" (H-1057) replaced the bill and was the minority report of the Joint Standing Committee on Criminal Justice. The amendment proposed to create a "safe children zone" that is defined as on or within 1,000 feet of the real property comprising a public or private elementary or secondary school or on or within 1,000 feet of the real property comprising a licensed day care center. The amendment proposed to require the court, when determining an appropriate sentence in a gross sexual assault case, to consider as an aggravating sentencing factor the fact that the gross sexual assault was committed in a safe children zone.

The amendment also proposed to require the Department of Corrections to forward to the Department of Public Safety, State Bureau of Identification the following additional information regarding a sex offender who is required to register under the Sex Offender Registration and Notification Act: the offender's risk assessment score, a copy of the risk assessment instrument and applicable contact standards for the offender. The State Bureau of Identification would then have to forward this information to all required law enforcement agencies who would then distribute the information to members of the public who the agencies determine are necessary to ensure public safety. The amendment also proposed to add a fiscal note. (Not adopted)

Senate Amendment "A" to Committee Amendment "A" (S-703) proposed to strike that portion of Committee Amendment "A" that expands the definition of "sex offender" for purposes of the Sex Offender Registration and Notification Act. (Not adopted)

Senate Amendment "B" to Committee Amendment "A" (S-730) proposed to strike that portion of Committee Amendment "A" that expands the definition of "sex offender" for purposes of the Sex Offender Registration and Notification Act.

Enacted law summary

Public Law 1997, chapter 768 creates a "safe children zone" that is defined as on or within 1,000 feet of the real property comprising a public or private elementary or secondary school on or within 1,000 feet of the real property comprising a licensed day care center. When determining the appropriate sentence in a gross sexual assault case, the court must consider as an aggravating sentencing factor the fact that the gross sexual assault was committed in a safe children zone.

Public Law 1997, chapter 768 also requires the Department of Corrections to forward to the Department of Public Safety, State Bureau of Identification the following additional information regarding a sex offender who is required to register under the Sex Offender Registration and Notification Act: the offender's risk assessment score, a copy of the risk assessment instrument and applicable contact standards for the offender. The State Bureau of Identification then must forward this information to all required law enforcement agencies who may distribute the information to members of the public who the agencies determine are necessary to ensure public safety.

LD 2080 An Act to Enhance the Bail Requirements for Persons Charged with ONTP
Murder

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCALEVEY BENOIT	ONTP	

LD 2080 proposed to require the Department of Corrections to complete a risk assessment on any defendant charged with murder who seeks preconviction bail, regardless of whether a Harnish bail hearing is held. The bill proposed to require the Department of Corrections to analyze the risk of the defendant's fleeing, posing a threat of harm to others and committing new criminal acts if released on bail. The department would have recommended to the court whether the defendant should be released on preconviction bail. If the court determined that bail should be set, the bill proposed that the Department of Corrections be responsible for monitoring the defendant until the time of trial.

LD 2084 An Act to Protect Children from Sex Offenders ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KONTOS	ONTP	

LD 2084 proposed to prohibit a sex offender from residing or loitering within 1,000 feet of a school. This bill was modeled on a Delaware statute.

LD 2089 An Act to Establish Reasonable Fees for Reports and Other Items PUBLIC 598
From the Office of Chief Medical Examiner

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCALEVEY MURRAY	OTP-AM	H-825

LD 2089 proposed to set up a fee schedule for the Office of Chief Medical Examiner providing report documents, histological slides and other items or services relating to any medical examiner case to persons entitled to them. The bill proposed to define "report documents", identify who is to be charged and permit the Chief Medical Examiner to waive the fee under certain circumstances. Finally, this bill proposed to direct that all fees collected by the Office of Chief Medical Examiner be deposited in the General Fund as undedicated revenue.

Committee Amendment "A" (H-825) proposed that all fees collected by the Chief Medical Examiner be deposited in a dedicated account within the Office of Chief Medical Examiner. The amendment proposed to require the State Controller to transfer balances in excess of \$500 to the General Fund at the end of each fiscal year.

The amendment also proposed to add an allocation section and a fiscal note to the bill.

Enacted law summary

Public Law 1997, chapter 598 creates a fee schedule for reports, histological slides and other services provided by the Office of the Chief Medical Examiner. Government agencies, health care providers who cared for the deceased, and next of kin are exempt from paying the fees. All fees collected must be deposited in a dedicated account within the Office of Chief Medical Examiner.

LD 2182

An Act to Create the Crime of Insurance Fraud and Require Reporting of Convictions to Licensing Authorities

PUBLIC 779

<u>Sponsor(s)</u>	<u>Committee Report</u>		<u>Amendments Adopted</u>
	OTP-AM	MAJ	H-923
	ONTP	MIN	

LD 2182 proposed to implement a recommendation of the Commission to Study Insurance Fraud, as established in Resolve 1997, chapter 77, and create the crime of insurance fraud. The bill also proposed to require that the court notify the appropriate licensing authority of a conviction for insurance fraud against a person licensed or registered under the laws of this State.

Committee Amendment "A" (H-923) replaced the bill and was the majority report of the Joint Standing Committee on Criminal Justice.

The amendment proposed to create a new crime of insurance deception within the Maine Criminal Code chapter on theft and a new crime of deceptive insurance practices within the Maine Criminal Code chapter on fraud.

The amendment proposed that the new crime of insurance deception apply to a person who intentionally makes a misrepresentation or written false statement relating to a material fact to any person engaged in the business of insurance concerning the following specific matters: an application for or renewal of an insurance policy, the rating of an insurance policy, payments made in accordance with an insurance policy, a claim for payment or benefit pursuant to an insurance policy or premiums paid on an insurance policy. These would have been crimes only if the person who made the representation or statement did not believe it to be true. The fact that the deception related to a matter of no pecuniary significance or that the person deceived acted unreasonably in relying on the deception would not have been a defense. The amendment proposed that the class of crime is based on the value of the property that is the subject of the deception.

The amendment proposed that the new crime of deceptive insurance practices apply to a person engaging in the business of insurance and that there are two categories of this crime. First, the amendment proposed that it is a Class D crime if the person intentionally makes a false statement with respect to material fact concerning, or materially alters, any of the following: certain documents filed with the Superintendent of Insurance or similar insurance regulatory agency; a document submitted by an insured, claimant or applicant to an insurer, insurance producer or other person; or a document or report filed with a law enforcement agency. Second, the amendment

proposed that it is a Class D crime if the person intentionally: transacts the business of insurance without proper licensure, certification or authorization; impairs the verity or availability of any records of an insurer with the intent to deceive; or solicits or accepts new or renewal insurance risks when the person knows or should know that the insurer or other person engaged in the business of insurance is insolvent.

The amendment also proposed to add a fiscal note.

Enacted law summary

Public Law 1997, chapter 779 creates a new crime of insurance deception within the Maine Criminal Code chapter on theft and a new crime of deceptive insurance practices within the Maine Criminal Code chapter on fraud.

The new crime of insurance deception applies to a person who intentionally makes a misrepresentation or written false statement relating to a material fact to any person engaged in the business of insurance concerning the following specific matters: an application for or renewal of an insurance policy, the rating of an insurance policy, payments made in accordance with an insurance policy, a claim for payment or benefit pursuant to an insurance policy or premiums paid on an insurance policy. These are crimes only if the person who made the representation or statement does not believe it to be true. The fact that the deception related to a matter of no pecuniary significance or that the person deceived acted unreasonably in relying on the deception if not a defense. The class of crime is based on the value of the property that is the subject of the deception.

The new crime of deceptive insurance practices applies to a person engaging in the business of insurance. There are two categories of this crime. First, it is a Class D crime if the person intentionally makes a false statement with respect to material fact concerning, or materially alters, any of the following: certain documents filed with the Superintendent of Insurance or similar insurance regulator agency; a document submitted by an insured, claimant or applicant to an insurer, insurance producer or other person; or a document or report filed with a law enforcement agency. Second, it is a Class D crime if the person intentionally: transacts the business of insurance without proper licensure, certification or authorization; impairs the verity or availability of any records of an insurer with the intent to deceive; or solicits or accepts new or renewal insurance risks when the person knows or should know that the insurer or other person engaged in the business of insurance is insolvent.

LD 2185

Resolve, to Provide Accountability in the Probation System

**RESOLVE 124
EMERGENCY**

<u>Sponsor(s)</u> SAXL M MITCHELL B	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-971 S-755 MICHAUD
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LD 2185 proposed to affect the Division of Probation and Parole within the Department of Corrections in the following manner:

1. Establish a probation system review panel to review the probation system, to develop a plan for restructuring the probation system and to report to the Legislature the panel's findings and recommendations;
2. Require the Commissioner of Corrections to perform an assessment of office space needs within probation services, to address the 3 top needs by January 1, 1999, and to develop a plan to address the remaining needs by January 1, 2004. The commissioner would have reported this plan to the Legislature by January 15, 1999; and

3. Appropriate funding for the following:

A. The hiring, by January 1, 1999, of 5 new probation officers and 2 support staff;

B. The provision of equipment for drug and alcohol testing to be used by probation officers to ensure compliance with the conditions of probation; and

C. To meet the requirements of the Maine Revised Statutes, Title 25, chapter 194, which requires the Chief of the State Police to collect DNA samples, and for DNA sampling of persons convicted of certain crimes.

Committee Amendment "A" (H-971) replaced the resolve. The amendment proposed to do the following:

1. Establish a study group to review procedures and consider improvements in adult and juvenile probation services. Specifically, the study group would have reviewed the current resources, assessment instruments, services provided and issues of concern within the Department of Corrections and report to the joint standing committee of the Legislature having jurisdiction over corrections and criminal justice matters by January 15, 2000;

2. Require the Commissioner of Corrections to perform an assessment of office space needs for adult and juvenile probation services, to address the 3 top needs by January 1, 1999 and to develop a plan to address the remaining needs by January 1, 2004. The commissioner would have reported this plan to the joint standing committee of the Legislature having jurisdiction over criminal justice and corrections matters by January 15, 1999;

3. Appropriate funding for the following:

A. The hiring of 14 new probation officers and 2 full-time and one part-time support staff;

B. The provision of equipment for drug and alcohol testing to be used by probation officers to ensure compliance with the conditions of probation; and

C. To meet the requirements of the Maine Revised Statutes, Title 25, chapter 194, which requires the Chief of the State Police to collect DNA samples, and for DNA sampling of persons convicted of certain crimes; and

4. Add a fiscal note to the resolve.

SENATE AMENDMENT "A" to COMMITTEE AMENDMENT "A" (S-755) proposed to remove the General Fund appropriations that were included in the supplemental budget bill, Public Law 1997, chapter 643. Senate Amendment "A" also proposed to provide funding for alcohol and drug testing and for the legislative costs associated with the study group.

Enacted law summary

Resolve 1997, chapter 124 establishes a study group to review procedures and consider improvements in adult and juvenile probation services. The Department of Corrections shall staff the study group and report to the joint standing committee of the Legislature having jurisdiction over criminal justice and corrections matters by January 15, 2000. Resolve 1997, chapter 124 requires the Department of Corrections to perform an assessment of office space needs for adult and juvenile probation services; to address the three top needs by January 1, 1999; to develop

a plan to address the remaining needs by January 1, 2004; and to report the plan to the Criminal Justice Committee by January 15, 1999. Resolve 1997, chapter 124 also appropriates funding for the provision of equipment for drug and alcohol testing to be used by probation officers to ensure compliance with the conditions of probation and for the per diem and expenses of legislative members of a probation services study group. General Fund appropriations for 14 new probation officers and two full-time and one part-time support staff and for taking DNA samples that appeared in Committee Amendment “A” (H-971) to LD 2185 were removed and included in the supplemental budget bill, now Public Law 1997, chapter 643.

LD 2189 **Resolve, Regarding Legislative Review of Certification and Monitoring of Batterer Intervention Programs, a Major Substantive Rule of the Department of Corrections** **RESOLVE 92**

<u>Sponsor(s)</u>	<u>Committee Report</u> OTP	<u>Amendments Adopted</u>
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LD 2189 proposed to provide for legislative review of certification and monitoring of batterer intervention programs, a major substantive rule of the Department of Corrections.

Enacted law summary

Resolve 1997, chapter 92 authorizes the final adoption of rules by the Department of Corrections authorizing certification and monitoring of batterer intervention programs.

LD 2232 **An Act to Improve the Delivery and Effectiveness of State Correctional Services** **PUBLIC 752**

<u>Sponsor(s)</u>	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u>
MURRAY POVICH		S-603

LD 2232 proposed to do the following:

1. Eliminate an outdated requirement that the Department of Corrections review the Maine Juvenile Code and recommend legislation;
2. Replace the reference to the Maine Youth Center as the place of commitment to a Department of Corrections juvenile correctional facility to reflect the restructuring of the juvenile system;
3. Eliminate outdated references to detention prior to the opening of the Northern Maine Regional Juvenile Detention Facility;
4. Reiterate the requirement already found in the Maine Juvenile Code that a detention hearing be held within 48 hours and put it in a place in the code where it is more likely to be found;

5. Replace the reference to the Maine Youth Center as the place of detention with "a detention facility" to reflect the restructuring of the juvenile system;
6. Replace the reference to the Maine Youth Center as the place for diagnostic evaluation with "a detention facility" to reflect the restructuring of the juvenile system;
7. Allow the court to enforce a restitution order against a juvenile who has defaulted in the same way as an order is enforced against an adult except that a juvenile may not be confined in a county jail pending payment of restitution;
8. Eliminate the term of confinement of 30 days or less that is presently one of the dispositions that a juvenile court may impose on a juvenile adjudicated of a juvenile crime;
9. Clarify existing statutory language to reflect that commitment is to a Department of Corrections juvenile correctional facility;
10. Require the court to notify the Commissioner of Corrections or the commissioner's designee immediately after detention or commitment is ordered and to inquire as to the juvenile facility to which the juvenile is to be transported;
11. Clarify the holding of juveniles taken into interim care;
12. Clarify the definitions of "correctional facility," "juvenile client" and "juvenile detainee";
13. Change a provision that currently applies only to the Maine Youth Center school and apply it to all educational programs for confined juveniles;
14. Eliminate the reference to Thomaston as the location for the Maine State Prison and replace it with Knox County;
15. Revise the purpose of the Maine Youth Center to be consistent with the State's assumption of responsibility for juvenile detention and the restructuring of the juvenile system;
16. Clarify that the commissioner's power of guardianship extends to juvenile detainees for necessary medical services only;
17. Change the location of the Downeast Correctional Facility from Machiasport to Washington County;
18. Revise the purpose of the Northern Maine Regional Juvenile Detention Facility to be consistent with the State's assumption of responsibility for juvenile detention and with the elimination of short terms of confinement as a disposition;
19. Complete the transition from the existing juvenile system to the restructured system and direct the department to submit legislation to make state law consistent with the changes; and
20. Clarify that the requirements to pay victim restitution and court fines from money received while incarcerated is absolute.

Committee Amendment "A" (S-603) proposed to do the following:

1. Authorize financing for Phase I of the Adult Correctional Facilities Plan by allowing the Maine Governmental Facilities Authority to issue bonds in the amount of \$85,000,000 for this purpose;
2. Remove language that would have eliminated 30-day "shock" sentences for juveniles;
3. Make further technical corrections; and
4. Add an allocation section and a fiscal note to the bill.

Enacted law summary

Public Law 1997, chapter 752 makes a number of technical changes to update language in the corrections statutes. Public Law 1997, chapter 752 allows the court to enforce a restitution order against a juvenile who has defaulted in the same way an order is enforced against an adult, except that a juvenile may not be confined in a county jail pending payment of restitution. Public Law 1997, chapter 752 clarifies the holding of juveniles taken into interim care and the Commissioner of Corrections' power of guardianship for medical services for juveniles. Public Law 1997, chapter 752 changes statutory references to the locations of the Maine State Prison and Downeast Correctional Facility to their respective counties. Public Law 1997, chapter 752 completes the transition to the restructured juvenile system and directs the Department of Corrections to submit legislation to make the law consistent with those changes. Finally, Public Law 1997, chapter 752 authorizes financing for Phase I of the Adult Correctional Facilities Plan by allowing the Maine Governmental Facilities Authority to issue bonds in the amount of \$85,000,000 for this purpose.

LD 2248

An Act Authorizing the State to Appeal Decisions Granting Preconviction Bail

DIED BETWEEN HOUSES

Sponsor(s)

Committee Report

Amendments Adopted

OTP-AM MAJ
OTP-AM MIN

LD 2248 Current law allows a defendant who is refused preconviction bail to petition the Superior Court for a de novo determination of that refusal. This bill proposed to give the State the same right to petition the Superior Court for a de novo determination of a decision that grants a defendant preconviction bail.

Committee Amendment "A" (S-544) replaced the bill and was the majority report of the Joint Standing Committee on Criminal Justice. The amendment proposed to clarify that an attorney for the State or a defendant may make a motion to the court for reconsideration of the court's preconviction or post-conviction bail decision. The judge or justice may, after notice, hold a hearing on the motion or may summarily deny the motion without hearing. The amendment also proposed to add a fiscal note. (Not adopted)

Committee Amendment "B" (S-545) replaced the bill and was the minority report of the Joint Standing Committee on Criminal Justice. The amendment proposed to clarify that an attorney for the State or a defendant may make a motion to the court for reconsideration of the court's preconviction or post-conviction bail decision. The judge or justice may, after notice, hold a hearing on the motion or may summarily deny the motion without hearing. The amendment also proposed to provide the State with the right to appeal a preconviction bail proceeding under the Maine Revised Statutes, Title 15, section 1026. The appeal allows for a de novo determination of bail. If

the bail proceeding were conducted in the District Court, the appeal would have been to a justice of the Superior Court, and if the bail proceeding were conducted in the Superior Court, the appeal would have been to a single justice of the Supreme Judicial Court. The amendment also proposed to add a fiscal note. (Not adopted)

LD 2257

**An Act to Make Public the Records of the Department of
Corrections Relating to Inmate Furloughs and Requests under the
Uniform Act for Out-of-State Parolee Supervision**

**PUBLIC 714
EMERGENCY**

Sponsor(s)
JABAR
MURRAY

Committee Report
OTP-AM

Amendments Adopted
H-991

LD 2257 proposed to make public records of certain information within the Department of Corrections and other criminal justice agencies regarding furlough of convicted criminals, thus giving the department or agencies the ability to inform the public when criminals are being released from prison on furloughs or transferred into communities from other states. The bill also proposed to require that the department give notice to the law enforcement community prior to granting furloughs or requests under the Uniform Act for Out-of-State Parolee Supervision.

Currently, under the Uniform Act for Out-of-State Parolee Supervision, the department makes decisions concerning the release into Maine communities of convicted criminals who have little or no prior connection to the State. Under the Act, other states may seek to transfer a parolee to the State for supervision. There is no restriction on the type of individual who is eligible to seek such a transfer.

Committee Amendment "A" (H-991) replaced the bill and proposed to add emergency status. The amendment proposed to make public records of certain information within the Department of Corrections and other criminal justice agencies, thus giving the department or agencies the ability to inform the public when criminals are being released from prison on furloughs or transferred into communities from other states and to inform the public of current addresses or locations of criminals. The amendment proposed to require that the department give notice to the law enforcement community prior to granting furloughs or requests under the Uniform Act for Out-of-State Parolee Supervision. This amendment also proposed to require the department, upon request, to share information releasable under its confidentiality statute. Finally, the amendment proposed to decriminalize violations of the department's confidentiality statute and add a fiscal note to the bill.

Enacted law summary

Public Law 1997, chapter 714 makes public certain records within the Department of Corrections and other criminal justice agencies, allowing the public to access information regarding the release and location of prisoners on furlough or transfers from other states. Public Law 1997, chapter 714 requires the Department of Corrections to give notice to the law enforcement community prior to granting furloughs or requests under the Uniform Act for Out-of-State Parolee Supervision. Public Law 1997, chapter 714 also directs the Department of Corrections, upon request, to share information releasable under its confidentiality statute and decriminalizes violations of the department's confidentiality statute.

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-1030 H-1123 POVICH

LD 2272 proposed to implement the recommendations of the State Fire Marshal study group, which was created pursuant to Resolve 1997, chapter 10. The bill proposed to define "public safety inspectors", which were created pursuant to the Productivity Realization Task Force. The bill also proposed to clarify the duties and authority of the State Fire Marshal and public safety inspectors.

Committee Amendment " A " (H-1030) starting July 31, 1998 and at the end of each month thereafter, proposed to require every fire insurance company or association that does business or collects premiums or assessments in the State to pay to the State Tax Assessor 1/12 of the estimated total tax to be paid for the current calendar year. Currently, insurance companies and associations are required to make payments on a quarterly basis.

The amendment also proposed to correct a technical error and add a fiscal note.

House Amendment " A " (H-1123) proposed to clarify the appointing authority for the investigators, inspectors and employees of the Office of the State Fire Marshal.

Enacted law summary

Public Law 1997, chapter 728 implements a number of the recommendations of the State Fire Marshal study group, which was created pursuant to Resolve 1997, chapter 10. Public Law 1997, chapter 728 defines "public safety inspectors", which were created pursuant to the Productivity Realization Task Force, and clarifies the duties and authority of the State Fire Marshal and public safety inspectors. Starting July 31, 1998 and at the end of each month thereafter every fire insurance company or association that does business or collects premiums or assessments in the State must pay to the State Tax Assessor 1/12 of the estimated total tax to be paid for the current year.